

HOUSE BILL NO. 56

INTRODUCED BY R. BEAN

BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MILEAGE REIMBURSEMENT RATES FOR TRANSPORTING PUPILS TO AND FROM SCHOOL UNDER INDIVIDUAL TRANSPORTATION CONTRACTS AND ON SCHOOL BUS ROUTES; AMENDING SECTIONS 20-5-323, 20-10-141, AND 20-10-142, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-5-323, MCA, is amended to read:

"20-5-323. Tuition and transportation rates. (1) Except as provided in subsections (2) through (5), whenever a child has approval to attend a school outside of the child's district of residence under the provisions of 20-5-320 or 20-5-321, the rate of tuition charged for a Montana resident student may not exceed 20% of the per-ANB maximum rate established in 20-9-306 for the year of attendance.

(2) The tuition for a child with a disability must be determined under rules adopted by the superintendent of public instruction for the calculation of tuition for special education pupils.

(3) The tuition rate for out-of-district placement pursuant to 20-5-321(1)(d) and (1)(e) for a student without disabilities who requires a program with costs that exceed the average district costs must be determined as the actual individual costs of providing that program according to the following:

(a) the district of attendance and the district, person, or entity responsible for the tuition payments shall approve an agreement with the district of attendance for the tuition cost;

(b) for a Montana resident student, 80% of the maximum per-ANB rate established in 20-9-306, received in the year for which the tuition charges are calculated, must be subtracted from the per-student program costs for a Montana resident student; and

(c) the maximum tuition rate paid to a district under this section may not exceed \$2,500 per ANB.

(4) When a child attends a public school of another state or province, the amount of daily tuition may not be greater than the average annual cost for each student in the child's district of residence. This calculation for tuition purposes is determined by totaling all of the expenditures for all of the district budgeted funds for the

preceding school fiscal year and dividing that amount by the October 1 enrollment in the preceding school fiscal year. For the purposes of this subsection, the following do not apply:

(a) placement of a child with a disability pursuant to Title 20, chapter 7, part 4;

(b) placement made in a state or province with a reciprocal tuition agreement pursuant to 20-5-314;

(c) an order issued under Title 40, chapter 4, part 2; or

(d) out-of-state placement by a state agency.

(5) When a child is placed by a state agency in an out-of-state residential facility, the state agency making the placement is responsible for the education costs resulting from the placement.

(6) The amount, if any, charged for transportation may not exceed the lesser of the average transportation cost for each student in the child's district of residence or ~~35~~ 40 cents a mile. The average expenditures for the district transportation fund for the preceding school fiscal year must be calculated by dividing the transportation fund expenditures by the October 1 enrollment for the preceding fiscal year."

Section 2. Section 20-10-141, MCA, is amended to read:

"20-10-141. Schedule of maximum reimbursement by mileage rates. (1) The mileage rates in subsection (2) for school transportation constitute the maximum reimbursement to districts for school transportation from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146. These rates may not limit the amount that a district may budget in its transportation fund budget in order to provide for the estimated and necessary cost of school transportation during the ensuing school fiscal year. All bus miles traveled on bus routes approved by the county transportation committee are reimbursable. Nonbus mileage is reimbursable for a vehicle driven by a bus driver to and from an overnight location of a school bus when the location is more than 10 miles from the school. A district may approve additional bus or nonbus miles within its own district or approved service area but may not claim reimbursement for the mileage. Any vehicle, the operation of which is reimbursed for bus mileage under the rate provisions of this schedule, must be a school bus, as defined by this title, driven by a qualified driver on a bus route approved by the county transportation committee and the superintendent of public instruction.

(2) (a) The rate for each bus mile traveled must be determined in accordance with the following schedule:

(i) ~~95 cents~~ \$1.11 for a school bus with a rated capacity of not more than 49 passenger seating positions;

(ii) ~~\$1.45~~ \$1.31 for a school bus with a rated capacity of 50 to 59 passenger seating positions;

(iii) ~~\$1.36~~ \$1.52 for a school bus with a rated capacity of 60 to 69 passenger seating positions;

(iv) ~~\$1.57~~ \$1.73 for a school bus with a rated capacity of 70 to 79 passenger seating positions; and

(v) ~~\$1.80~~ \$1.96 for a school bus with 80 or more passenger seating positions.

(b) Nonbus mileage, as provided in subsection (1), must be reimbursed at a rate of ~~50~~ 54 cents a mile.

(3) The rated capacity is the number of passenger seating positions of a school bus as determined under the policy adopted by the board of public education. If modification of a school bus to accommodate pupils with disabilities reduces the rated capacity of the bus, the reimbursement to a district for pupil transportation is based on the rated capacity of the bus prior to modification.

(4) The number of pupils riding the school bus may not exceed the passenger seating positions of the bus."

Section 3. Section 20-10-142, MCA, is amended to read:

"20-10-142. Schedule of maximum reimbursement for individual transportation. The following rates for individual transportation constitute the maximum reimbursement to districts for individual transportation from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146. These rates constitute the limitation of the budgeted amounts for individual transportation for the ensuing school fiscal year. The schedules provided in this section may not be altered by any authority other than the legislature. When the trustees contract with the parent or guardian of any eligible transportee to provide individual transportation for each day of school attendance, they shall reimburse the parent or guardian for actual miles transported on the basis of the following schedule:

(1) When a parent or guardian transports an eligible transportee or transportees from the residence of the parent or guardian to a school or to schools located within 3 miles of one another, the total reimbursement for each day of attendance is determined by multiplying the distance in miles between the residence and the school, or the most distant school if more than one, by 2, subtracting 6 miles from the product, and multiplying the difference by ~~35~~ 40 cents, provided that:

(a) if two or more eligible transportees are transported by a parent or guardian to two or more schools located within 3 miles of one another and if the schools are operated by different school districts, the total amount of the reimbursement must be divided equally between the districts;

(b) if two or more eligible transportees are transported by a parent or guardian to two or more schools located more than 3 miles from one another, the parent or guardian must be separately reimbursed for

1 transporting the eligible transportee or transportees to each school;

2 (c) if a parent transports two or more eligible transportees to a school and a bus stop that are located
3 within 3 miles of one another, the total reimbursement must be determined under the provisions of this subsection
4 (1) and must be divided equally between the district operating the school and the district operating the bus;

5 (d) if a parent transporting two or more eligible transportees to a school or bus stop must, because of
6 varying arrival and departure times, make more than one round-trip journey to the bus stop or school, the total
7 reimbursement allowed by this section is limited to one round trip a day for each scheduled arrival or departure
8 time;

9 (e) notwithstanding subsection (1)(a), (1)(b), (1)(c), or (1)(d), a reimbursement may not be less than ~~35~~
10 40 cents a day.

11 (2) When the parent or guardian transports an eligible transportee or transportees from the residence
12 to a bus stop of a bus route approved by the trustees for the transportation of the transportee or transportees,
13 the total reimbursement for each day of attendance is determined by multiplying the distance in miles between
14 the residence and the bus stop by 2, subtracting 6 miles from the product, and multiplying the difference by ~~35~~
15 40 cents, provided that:

16 (a) if the eligible transportees attend schools in different districts but ride on one bus, the districts shall
17 divide the total reimbursement equally; and

18 (b) if the parent or guardian is required to transport the eligible transportees to more than one bus, the
19 parent or guardian must be separately reimbursed for transportation to each bus.

20 (3) When, because of excessive distances, impassable roads, or other special circumstances of
21 isolation, the rates prescribed in subsection (1) or (2) would be an inadequate reimbursement for the
22 transportation costs or would result in a physical hardship for the eligible transportee, a parent or guardian may
23 request an increase in the reimbursement rate. A request for increased rates because of isolation must be made
24 by the parent or guardian on the contract for individual transportation for the ensuing school fiscal year by
25 indicating the special facts and circumstances that exist to justify the increase. Before an increased rate because
26 of isolation may be paid to the requesting parent or guardian, the rate must be approved by the county
27 transportation committee and the superintendent of public instruction after the trustees have indicated their
28 approval or disapproval. Regardless of the action of the trustees and when approval is given by the committee
29 and the superintendent of public instruction, the trustees shall pay the increased rate because of isolation. The
30 increased rate is 1 1/2 times the rate prescribed in subsection (1).

(4) The state and county transportation reimbursement for an individual transportation contract may not exceed ~~\$12.95~~ \$14.80 for each day of attendance for the first eligible transportee and ~~\$8.40~~ \$9.60 for each day of attendance for each additional eligible transportee.

(5) When the isolated conditions of the household where an eligible transportee resides require an eligible transportee to live away from the household in order to attend school, the eligible transportee is eligible for the room and board reimbursement. Approval to receive the room and board reimbursement must be obtained in the same manner prescribed in subsection (3). The per diem rate for room and board is ~~\$12.95~~ \$14.80 for one eligible transportee and ~~\$8.40~~ \$9.60 for each additional eligible transportee of the same household.

(6) When the individual transportation provision is to be satisfied by supervised home study or supervised correspondence study, the reimbursement rate is the cost of the study, provided that the course of instruction is approved by the trustees and supervised by the district."

NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2009.

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